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UNCLAS SECTION 01 OF 09 ABU DHABI 000379

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DEPARTMENT FOR NEA/ARP AND G/TIP/GAYATRI PATEL
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SUBJECT: TIP REPORT FOR UAE MARCH 2008

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domestic workers 200,000 (according to various source country embassies), the actual number of trafficking victims among them is unknown. Construction workers, particularly from India and Pakistan, often arrive in a state of debt bondage having voluntarily paid as much as USD 2,700 (10,000 dirham) to an agent in the source country to arrange an employment contract. These workers might receive a salary of between USD 135 to USD 200 (500 to 750 dirham) per month, while interest continues to accrue on their debt. Trapped in these conditions for 2 to 3 years (on average), bonded labor victims could easily number in the tens of thousands according to a prominent U.S. NGO. Like construction labor, domestic workers generally came to the UAE voluntarily, but often had their passports withheld upon entry, or came with the understanding that they would work in a more-skilled profession instead of the one

available to them upon arrival. There were reports that women -- primarily from Sri Lanka and the Philippines -- were lured to the UAE to work as domestic workers but were later sent to work in other countries, including Oman. Women trafficked to work in the commercial sex industry came from a myriad of countries spanning from Eastern Europe to Africa to East Asia. There is no reliable data on the number of women involved in the sex industry; rough estimates go as high as 10,000. Similarly, there is no reliable information as to how many of those involved were trafficking victims.

-- 27B. The UAEG has made qualitative strides in its anti-TIP efforts in 2007, expanding awareness of the problem and working actively to combat it. Nonetheless, the complex phenomenon persists in an international environment in which economic incentive continues to draw vulnerable workers into opportunities abroad.

The UAE economy is heavily dependent on foreign labor. Over 80 percent of the total UAE population, and roughly 98 percent of the private sector workforce, is expatriate. The majority of unskilled workers are from poor source countries and came to the UAE for economic opportunity. Some became trafficking victims after their arrival in the UAE. Female victims, for example, from South and Southeast Asia (particularly India, Sri Lanka, Bangladesh, Indonesia, and the Philippines), may have been brought as domestic laborers and later trafficked into other work; men from India, Sri Lanka, and Pakistan who came to the UAE to work as laborers, primarily in the construction sector (but also in agriculture), may face similar challenges. Labor conditions in the UAE can be harsh for unskilled workers in any circumstance, but more particularly when enduring excessive work hours, nonpayment of wages, verbal, mental, physical, or sexual abuse, or restriction of movement. One cannot know how many incidents of such treatment occur, although all are reported anecdotally from time to time. Trafficking victims most often arrive in the country voluntarily, having entered into employment contracts in their home country with an agent who is usually of the same nationality as the victim. (Regarding freedom of movement, many employers hold the passports of their workers, in spite of the practice having been outlawed in 2003. The UAEG organized public relations campaigns to inform both workers and employers that the practice is illegal. There were numerous instances, widely reported by the media, in which UAE courts and embassies or consulates successfully intervened to compel an employer to return a passport to an employee. Nonetheless, the practice remains widespread.)

Transient workers are also susceptible to contract switching. Domestic workers were sometimes made employment offers to work as a secretary or in another office job and

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travel to the UAE on a visit visa with the promise that the contract would be signed in the UAE, but upon arrival the worker was informed that he/she would be working as a domestic worker or in the hotel or restaurant sector. There were further reports from source country embassies that some domestic workers who ran away from abusive employers and sought assistance from the recruitment agencies that brought them to the UAE were coerced into transferring their contracts and were sent to work in other countries (e.g. Oman).

Employees who sought assistance from their respective diplomatic missions were reportedly almost always able to resolve their complaints to the employees' satisfaction. Source country labor attaches report good relations with Ministry of Interior (MoI) and immigration officials, and state that although domestic workers are not covered under the labor law, MoI officials routinely offer similar dispute resolution processes and protections as the labor law provides, but on an informal basis. In March 2007, the

UAEG announced a standardized work contract for all domestic workers that took effect on April 1, 2007. The new standard contract stipulates benefits but not wages, and formalizes a dispute resolution process through each emirate's Naturalization and Residency Department. It is unclear whether the UAEG has enough labor inspectors to sufficiently monitor compliance, although the Ministries of Interior and Labor have expended considerable effort to prevent and resolve these problems. MoI took action against hundreds of employers who abused or failed to pay their domestic employees. According to current regulations, MoI officials can ban an employer from further sponsorship of domestic employees after receiving four reports of abuse.

Police officials, particularly in Dubai, assisted trafficking victims once they identified themselves as such. However, victims were often reluctant to approach police due to their illegal status and the risk of losing their jobs and being arrested and deported. Source country officials have stated that the Ministries of Labor and Interior, and the Immigration Departments of both Abu Dhabi and Dubai, significantly increased their efforts at addressing the labor complaints of domestic workers. Additionally, the numbers of UAE officials trained to recognize signs of coercion and potential trafficking increased.

Construction workers, the largest single work force in the UAE, often worked under the harshest conditions. The media regularly reported on strikes by construction workers protesting adverse working conditions and unpaid salaries. There were several strikes involving more than 1,000 workers; the striking workers claimed they had not been paid for periods up to six months. (Unpaid construction workers in the UAE often continue working without pay, fearing that if they protest they may have no chance to recover wages owed to them. With their room and board provided by their employer, the amount of time that they are willing/able to keep working without pay is much longer than would be the case in a typical work situation, where the salary would be needed to cover the expenses of daily life.) The Ministry of Labor resolved these disputes quickly when they became known. Legally employed construction workers are covered by the existing UAE labor law, with a clear mediation procedure. The UAEG also offered an extensive amnesty program in 2007 for those in irregular status to legalize their visas or return to their home countries. A reported 341,958 persons took advantage of the amnesty program.

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-- 27C. Both federal ministries and local emirate departments are involved in anti-trafficking efforts. On the federal level, the Ministries of Interior, Foreign Affairs, Justice, Health, and Labor are involved actively. On the local level, police and immigration departments, public prosecutors, and social services departments are also involved. Police and other government officials have worked more closely with members of the media to increase public awareness.

The 2006 anti-trafficking legislation created a new anti-trafficking committee, led by then Minister of State for Federal National Council Affairs (who was recently made Minister of State for Foreign Affairs but presumably retains the TIP portfolio). That committee has been active since its April 2007 formation in drawing together involved agencies to coordinate UAEG efforts. Article 12 of Federal Law #51 stipulates participation on the committee by the Ministries of Foreign Affairs, Interior, Justice, Labor, Social Affairs, and Health, along with State Security and the UAE Red Crescent Society. Other participants can be added by Cabinet decision.

-- 27D. The UAE has both structural and cultural impediments to combating trafficking, but corruption does not seem to be a significant contributing problem. Complex issues such as TIP tax the human resources of the UAEG, which lacks institutional depth due to the country's young age and small national population. Training at all levels of the law enforcement community, for example, is time consuming when nuanced and complex offences like TIP are involved. Additionally, a loose federal structure and requirement for consensus often prevent quick action on matters with any level of controversy, such as TIP. For example, the federal Ministry of Interior oversees the Police General Directorates in each of the seven emirates; however, each emirate maintains its own police force and supervises the police stations in that emirate. While all emirate police forces theoretically are branches of the MoI, in practice they operate with considerable autonomy, particularly in Dubai. Civil courts are generally part of the federal system and accountable to the Federal Supreme Court, with the notable exceptions of Dubai, Abu Dhabi and Ras Al Khaimah emirates, which have independent judiciaries. Reaching all government entities uniformly with cohesive and comprehensive training programs is challenging for the UAEG.

Some cultural characteristics also hamper the Government's ability to address TIP. For example, as a conservative Muslim country, public discussion of sex is culturally taboo, which makes it difficult to address sex trafficking. Similarly, due to a cultural emphasis on privacy regarding matters of the home, people rarely discuss abuse of trafficked domestic servants publicly. Financial resources and technology are not generally limiting factors, although human resource constraints are apparent. UAE immigration officials routinely track foreigners who try to enter the country illegally, for example, using iris recognition biometric technology (the database contains approximately four million iris scan results).

By its nature, trafficking in persons involves persons and activities outside (as well as inside) the UAE and aspects of the phenomenon are not under UAE control. The UAEG therefore frequently stresses the need to enhance international cooperation.

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-- 27E. The National Committee to Combat Human Trafficking and its constituent government agencies systematically and regularly address UAEG anti-TIP efforts, coordinating government responses and training to enhance UAEG capacity and improve data collection. Committee meetings get prominent local press coverage (in Arabic and English dailies). The Committee actively pursues international cooperation and has prepared brochures in English to highlight UAEG efforts to address the TIP phenomenon. The Committee has stated its desire to assemble reliable data on the extent of the problem, yet has to date not issued such quantitative data.

The UAEG devoted significant energy, time and resources to sensitizing law enforcement, immigration, and judicial officials to the subject of trafficking in persons, as well as pursuing practical training to protect victims and prevent future trafficking incidents. Abu Dhabi and Dubai police and the Ministries of Interior, Health, and Justice have all held anti-TIP training courses throughout the year. One such training program in February 2008 involved three U.S. experts (from the Department of Justice, FBI, and ICE) sharing case studies with UAE judges and prosecutors. The program, Principles of Investigating and Prosecuting Human Trafficking Crimes, successfully deepened the TIP expertise of judicial participants.

The Dubai Naturalization and Residency Department regularly

offered training for arrival and departure inspectors in identifying fraudulent documents, often used by trafficking victims. The UAEG also supplied ports of entry and source country embassies and consulates with brochures in an attempt to warn off potential trafficking victims, as well as to inform victims where to receive assistance. The UAEG senior leadership continues to ask the USG for training information and opportunities that would further their efforts to combat trafficking in persons, and help law enforcement officials, prosecutors and judges to better identify, investigate and prosecute trafficking in persons cases.

Over the reporting period, senior leaders voiced their strong political will to combat trafficking in persons, notably through a USD 15 million donation by the Crown Prince of Abu Dhabi that enabled a UN.GIFT conference on anti-TIP efforts in Vienna in February 2008. The UAEG's TIP committee actively coordinated multi-agency efforts. There was no evidence that corruption of public officials was a systemic problem. There were no verifiable reports of government officials being linked to TIP activity during the reporting period.

Paragraph 28 -- Investigation and Prosecution

-- 28A. On November 9, 2006, the UAEG enacted a comprehensive anti-trafficking law intended to cover the entire range of trafficking issues. The first case to be prosecuted under this law involved an Indian couple transiting from India to Paris, via Dubai, accompanied by two unrelated Indian boys who held forged passports. On March 1, 2007, the Dubai Attorney General accepted the case for prosecution. Prior to this law, Justice Ministry officials advised that traffickers were prosecuted under specific penal laws such as kidnapping, rape, sexual abuse and sexual exploitation.

The 2006 law, Federal Law #51 on Combating Human Trafficking Crimes, defines Human Trafficking as "recruiting, transporting transferring, harboring, or

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receiving persons by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation includes all forms of sexual exploitation, engaging others in prostitution, servitude, forced labor, enslavement, quasi-slavery practices, or detachment of organs." The law penalizes transnational crimes.

The UAE sees its anti-trafficking legislation as the first of its kind in the Arab world, defining trafficking as an element of organized crime and setting forth mechanisms to combat explicit servitude, sexual exploitation, forced labor and the involuntary trade in human organs.

Complementing the intent of the new UAE law, Indian authorities began on September 1, 2007, to restrict Indian women under 30 years old who have not graduated high school from working in the UAE to protect them from exploitation. Also, employment contracts were required to be concluded directly between employer and employee, to the exclusion of recruiting agents, to decrease chances for exploitation. Contract review by labor attaches of the worker's embassy or consulate also proved effective. Furthermore it was announced that pre-paid mobile phone cards must be provided to every female domestic worker to facilitate contact with authorities if necessary. On January 24, 2008, the Dubai Police Criminal Investigation Department (CID) director stated that individuals who facilitate visas for women as

housemaids and then provide those women to traffickers would be accused of accomplice to trafficking, regardless of intent.

In May 2007, the UAEG ratified the United Nations Convention Against Transnational Organized Crime, which includes provisions for international cooperation in anti-human trafficking efforts. On March 9, 2008, the UAE Cabinet signaled UAE ratification (likely requiring Federal Supreme Council approval) of the UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially women and children.

-- 28B. Trafficking for prostitution carries a five-year minimum sentence. A life sentence can be imposed if the victim is a female, a child, mentally impaired, or if the perpetrator is a spouse, parent, or guardian of the victim. Life sentences can also be imposed if the perpetrator is a public servant or member of an organized criminal group; if the act was committed through the use or threat of force, violence, death, or physical or psychological torture; or if the crime was committed by an armed person.

Less complex sexual exploitation cases are punishable by a maximum of one year with a fine or a minimum of two years if the victim is under the age of 18 or if the victim was coerced into prostitution. If force, threat, or fraud was used, or if the victim is a minor, the maximum sentence is 10 years. Convicted expatriates are frequently deported once their sentence is complete.

-- 28C. Labor exploitation is a primary concern of the 2006 anti-TIP law, which stipulates "not less than five years" penalty for human trafficking crimes (Article 2). Life imprisonment is imposed in certain circumstances (as noted in 28B above). Persons aware of TIP crimes who fail to report them are penalized for "not less than one and not

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more than five years" and/or face a fine of "not less than 5,000 dirham and not more than 20,000 dirham" (Article 3). Those prompting others to give false testimony face "not less than five years" (Article 4). Corporate entities violating the law are to be "punished by a fine of not less than 100,000 dirham, and not more than one million dirham," in addition to a possible court order of "temporary dissolution, or total closure" of the company or one of its branches (Article 7).

There are no laws that explicitly criminalize labor practices such as contract switching or seizing a laborer's passport. However, anti-trafficking legislation is sufficiently broad to cover labor recruiters in source and destination countries. The UAE Labor Law criminalizes use of fraudulent documents in labor recruitment. The maximum penalty is six months and/or a maximum fine of USD 6,800 (25,000 dirham). In October 2007, the Ministry of Labor announced that laborers' salaries should be paid through an Electronic Wage Payment System; in an effort to eradicate non-payment of salaries, cash payments were not permitted after January 2008. The UAEG uses such mechanisms (enabling them with regulation and technical support) to lessen the opportunity for exploitation. Compliance is improving but not uniform. The UAEG cracked down on companies violating rest break rules (which mandate rests for outside workers during the hottest parts of the day in summer months), actively inspecting conditions and pursuing violators.

-- 28D. Rape sentencing ranges from two years to capital punishment, with possible lashing as another penalty. Death is imposed for rape that leads to the victim's death. Penalties for sex trafficking range from a minimum of five years to life.

-- 28E. Prostitution is criminalized by law. The penalty for prostitution is temporary imprisonment and deportation if a foreign national. Brothel operators or owners are imprisoned temporarily and face brothel closure. Pimps and clients can be sentenced to a maximum of five years. The law has been partially applied. Local police raided and closed some parlors which were affiliated with prostitution. For example, in December 2007, Dubai police raided 22 villas and flats and arrested 247 suspects (170 sex workers, 12 pimps and 65 clients). Business licenses have been permanently canceled in some cases.

-- 28F. Dubai Police registered 10 trafficking related cases between January and August 2007. Five cases pertain to instigating prostitution, two to threatening children's lives, and three regard other trafficking issues. At least five individuals were convicted of trafficking in 2007. More cases have been prosecuted since the 2007 data, as noted below.

While not comprehensive, the following are individual reports of prosecutions pursued during the reporting period.

In February and March 2007, two separate travel document fraud rings were uncovered. The perpetrators were referred to trial.

In July 2007, a Dubai court sentenced two individuals to 15 years for forcing a woman into prostitution. This was the first implementation of Federal Law # 51 of 2006. Their sentence was reduced to seven years in September 2007 following an appeal by the Public Prosecutor's Office for leniency. Their driver was sentenced to three years for

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aiding and abetting. As is common in such cases, the three will be deported following completion of their sentences.

On September 12, 2007, the Dubai Court of First Instance sentenced two Indians to 15 years for sexually exploiting an Indonesian woman by forcing her into prostitution and selling her. On September 23, 2007, two Bangladeshis were charged with attempted trafficking of two housemaids by forcing them into prostitution. The perpetrators attempted to sell the housemaids for USD 2,450 to a police informant posing as a buyer. On October 17, 2007, the Dubai Court of Appeals sentenced a male suspect to three years for forcing a woman into prostitution and attempting to sell her for USD 1,170.

On October 23, 2007, the Dubai Attorney General referred a sex trafficking case to the Dubai Court of First Instance. The Public Prosecution charged two suspects with trafficking, illegal detention, operating a brothel, and forcing two females into prostitution. The perpetrators beat the victims and forced them to have sex with customers, keeping the money for themselves. Finally, the perpetrators attempted to sell the victims for USD 2,700 (10,000 dirham).

On November 23, 2007, the Dubai Public Prosecutor accused a Bangladeshi of bringing a 17-year-old girl to the UAE and forcing her into prostitution. The girl testified that she entered the UAE on a visit visa that the perpetrator, whom she knew, sent to her. On December 1, 2007, a joint State Security and CID operation uncovered a massive prostitution ring involving 22 brothels in various residences. A total of 247 individuals comprised of 170 South and East Asian prostitutes, 12 pimps, and 65 customers were arrested. On December 13, 2007, the Dubai Court of First Instance sentenced an Indian woman to three years for forcing her housemaid into prostitution, beating her for refusing, and working as a prostitute herself.

On December 17, 2007, the Dubai Court of First Instance

sentenced an Indian man to five years for attempted trafficking. The man attempted to sell a destitute Indonesian housemaid to a police informant for USD 1,220 and to force her into prostitution. On January 14, 2008, the Dubai Court of First Instance sentenced two Indian men to 10 years for attempting to force two women into prostitution and sell them to a police informant for USD 2,450. The women were housemaids who had escaped from their employers. The men assaulted the victims when they refused to engage in prostitution. On January 17, 2008, the Dubai Court of First Instance sentenced a Bangladeshi man to 10 years and a Bangladeshi woman to one year for forcing an Indian woman into prostitution. As with other similar cases, the foreign perpetrators will be deported after serving their sentences.

On February 6, 2008, two Bangladeshi men were referred to court by the Public Prosecutor for sexually exploiting an Indonesian housemaid and attempting to sell her to an undercover police agent for USD 2,700 (10,000 dirham).

On February 6, 2008, police arrested four Asian gang members who attempted to sell a woman into prostitution for USD 2,900. The four confessed to have trafficked the woman into the UAE on a visit visa to sell her into prostitution and to running brothels. They were referred to the Public Prosecutor's Office on trafficking charges; one was charged with aiding and abetting. On February 18, 2008, the Dubai Court of First Instance sentenced an Indian driver to three years and subsequent deportation for attempting to coerce a

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destitute housemaid into prostitution.

On February 26, 2008, the Dubai Court of First Instance sentenced an Iranian businessman to two years for operating a brothel. Seven Kazakh and Russian prostitutes were sentenced to six months. The court also sentenced a Kazakh woman to nine months for assisting the Iranian businessman. The Iranian businessman trafficked the women to Dubai on visit visas, promising them restaurant jobs but then asking them to be prostitutes for three months to cover the cost of visas and airfare.

On March 9, 2008, Dubai public prosecutors charged a Ukrainian woman with violating Federal Law #51 for trying to sell a penniless Moldovan woman (who came to Dubai to help treat her daughter's asthma) to a police informant for USD 7,600 (28,000 dirham).

-- 28G. The UAEG has worked to sensitize law enforcement and immigration officials to trafficking and has provided practical training to protect victims and prevent future incidents. Abu Dhabi and Dubai police and the Ministries of Interior, Health, and Justice have conducted anti-TIP training. The Dubai Naturalization and Residency Department trained immigration inspectors to identify fraudulent documents used by traffickers and victims. The UAEG supplied ports of entry and source country embassies and consulates with brochures to warn potential victims about the dangers of trafficking and to inform them about obtaining assistance.

The Ministry of Justice Institute of Judicial Training and Studies holds mandatory classes for prosecutors and judges on proper victim assistance. The Institute also conducts mandatory classes on the following: human rights; sexual offenses; offenses against life; immigration offenses; juvenile protection and delinquency; labor violations and offenses.

Senior UAEG ministers have repeatedly requested USG training, information, and opportunities that would enhance their efforts to combat trafficking and help law enforcement officials, prosecutors, and judges to better identify, investigate, and prosecute trafficking cases.

On September 2 and 3, 2007, the Ministry of Interior and National Committee to Combat Human Trafficking organized a trafficking training seminar at the Abu Dhabi Police Department of Criminal Evidence to raise trafficking awareness and develop methods to eradicate it. Participants included the Department of Naturalization and Residency, CID, police officers, and public prosecutors.

On September 25, 2007, the UAE Police Academy held training entitled "Islamic Sharia Position Towards Trafficking in Persons." The Head of Sharia Studies at the Police Academy spoke of the importance of women in Islam and encouraged the audience to combat trafficking.

On December 10, 2007, the UAE National Committee to Combat Human Trafficking co-hosted a workshop with the Johns Hopkins University on GCC legislation on trafficking. The workshop, held in Dubai, compared legislation in GCC

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